HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C. V. NAGARJUNA REDDY

WRIT APPEAL No.1098 of 2006

Between:

M/S.Indira Quarry Workers Industrial
Co-operative Society, rep.by its President,
Mamidi Srinivasulu. …Appellant.

AND

Director of Mines & Geology,
Hyderabad & others. …Respondents

:: J U D G M E N T ::

Counsel for the appellant : Sri K.L.N.Swamy

27th OCTOBER 2006

Per G.S.Singhvi, C.J.

Having failed to persuade the learned Single Judge to issue a direction to the official respondents not to renew the lease granted to respondent No.4, the appellant has preferred this appeal under Clause 15 of the Letters Patent.

In the writ petition filed by the appellant, it was pleaded that due to the blasting operations being carried out by respondent No.4, a large number of workers employed in the mine of the petitioner were

being seriously injured and no action had been taken by the departmental authorities to cancel the mining lease of respondent No.4.

The learned Single Judge declined to entertain the appellant's prayer by observing that the lease of respondent No.4 is going to expire in the month of November, 2006 and the petitioner (appellant) can question the renewal of the lease of the said respondent by availing remedy under Rule 35 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short, 'the Rules').

We have heard Sri K.L.N.Swamy, learned counsel for the appellant and perused the record.

Although the affidavit of Sri Mamidi Srinivasulu, President of the appellant, filed in support of the writ petition, is vague in material respects, inasmuch as the deponent has not disclosed the year in which lease was granted to respondent No.4 and he has not given the particulars of the injuries etcetera caused to the workers of the appellant on account of blasting operation carried out by the said respondent, and above all, no evidence was produced before the learned Single Judge to show that the authority competent to grant renewal in favour of respondent No.4 will not consider the representation made by it, we do not want to non-suit the appellant only on that ground.

In our opinion, the learned Single Judge is right in observing that as and when the competent authority renews the lease of respondent No.4, the petitioner can avail the remedy of appeal under Rule 35 of the Rules. Learned counsel for the appellant has not been able to show any extraordinary reason warranting a deviation from the settled rule that the High Court will not entertain a writ petition under Article 226 of the Constitution of India if an effective remedy is available to the

petitioner.

For the reason afore-stated, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP.No.2318 of 2006 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, C.J.

27th October, 2006.

C. V.NAGARJUNA REDDY, J.

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